

Mod AO 442 (09/13) Arrest Warrant

AUSA Name & Telno: Margaret Graham (212) 637-2923

UNITED STATES DISTRICT COURT

for the

Southern District of New York

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2022 MAY 17 PM 1:05

JEFFREY R. COLWELL
CLERK

United States of America

v.

Gregoire Tournant,

Defendant

22 CRIM
Case No.

BY 276 DEP. CLERK

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Gregoire Tournant

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to Commit Securities Fraud, Investment Adviser Fraud and Wire Fraud (18 USC 371)
Securities Fraud (15 USC 78j(b) & 78ff; 17 CFR 240.10b-5; 18 USC 2)
Investment Adviser Fraud (15 USC 80b-6, 80b-17; 18 USC 2)
Investment Adviser Fraud (15 USC 80b-6(4), 80b-17; 17 CFR 275.206(4)-8; 18 USC 2)
Conspiracy to Obstruct Justice (18 USC 371)

Date: MAY 16 2022

S/Sarah Netburn

Issuing officer's signature

City and state: New York, New York

HON. SARAH NETBURN, US MAGISTRATE JUDGE

Printed name and title

Return

This warrant was received on (date) 5/16/2022, and the person was arrested on (date) 5/17/2022
at (city and state) Denver, CO

Date: 5/17/2022

Arresting officer's signature

Chris O'Rourke / Kayla Robbins
Printed name and title

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

Gregoire Tournant

Defendant

)
) Case No. 22-mj-89-NYW
)

) Charging District: Southern District of New York

) Charging District's Case No. 22-crim-276
)

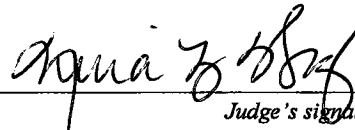
**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place:	Courtroom No.:
	Date and Time:

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 05/17/2022



Judge's signature

Nina Y. Wang, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Colorado

United States of America
v.

Gregoire Tournant
Defendant

)
)
) Case No. 1-22-mj-00089-NYW-1
)
)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on as directed

date and time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian Date

☐ (a) The defendant must reside with the third party custodian at an address approved by the pretrial services office or supervising officer.

☒ (7) The defendant must:

☒ (a) submit to supervision by and report for supervision to the U.S. Probation Office - Grand Junction telephone number 970-245-5396, as directed:

☐ (b) continue or actively seek employment, if legally allowed to do so.

☐ (c) continue or start an education program.

☒ (d) surrender any passport to the ~~Clerk, U.S. District Court within 2 business days.~~ the U.S. Postal Inspector.

☒ (e) not obtain a passport or other international travel document.

☐ (f) abide by the following restrictions on personal association, residence, or travel: State of Colorado, District of Nevada, Southern District of New York

☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including:

☐ (h) participate in medical, psychiatric, and/or mental health treatment as directed by your supervising officer:

☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes:

☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☒ (k) not possess a firearm, destructive device, or other weapon.

☐ (l) not use alcohol (☐) at all (☐) excessively.

☒ (m) Except as authorized by court order, the defendant shall not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. Except as authorized by court order, the defendant shall not possess, use or sell marijuana or any marijuana derivative (including THC) in any form (including edibles) or for any purpose (including medical purposes). Without the prior permission of the probation officer, the defendant shall not enter any marijuana dispensary or grow facility.

☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- (☒) (i) **Curfew.** You are restricted to your residence every day (☐) from 10 p.m. to 6 a.m., or (☒) as directed by the pretrial services office or supervising officer; or
- (☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- (☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
- (☐) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
- (☐) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
- (☐) (ii) Radio Frequency; or
- (☐) (iii) GPS.
- (☐) (iv)
- (☐) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (☒) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☒) (t) The defendant shall not act as an informant for any law enforcement agency without prior permission of the Court.
- (☐) (u)
- (☐) (v)
- (☐) (w)
- (☐) (x)
- (☐) (y)
- (☐) (z)
- (☐) (aa)
- (☐) (bb)
- (☐) (cc)
- (☐) (dd)
- (☐) (ee)
- (☐) (ff)
- (☐) (gg)
- (☐) (hh)
- (☐) (ii)
- (☐) (jj)
- (☐) (kk)
- (☐) (ll)

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Defendant's Signature

City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: May 17, 2022

Judicial Officer's Signature

Nina Y. Wang, US Magistrate Judge
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

Gregoire Tournant

Defendant

Case No. 1-22-mj-00089-NYW-1

APPEARANCE BOND

Defendant's Agreement

I, Gregoire Tournant (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
- (☒) if convicted, to surrender to serve a sentence that the court may impose; or
- (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(☒) (1) This is a personal recognizance bond.

() (2) This is an unsecured bond of \$ _____.

In anticipation of
(☒) (3) This is a secured bond of \$ 20,000,000.00, secured by: to be finalized no later than May 31, 2022

() (a) \$ _____, in cash deposited with the court.

() (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

() (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: _____

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

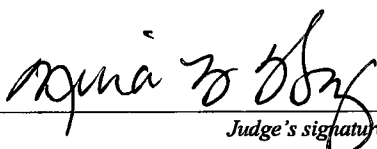
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Approved.

Date: May 17, 2022



Judge's signature

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

Tournant

Defendant

Case No.

Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

SONY

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
- ☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

5/17/22

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

UNITED STATES OF AMERICA

v.

GREGOIRE TOURNANT,

Defendant.

22-mj-00089 (NYW)

MOTION TO APPEAR VIA VIDEO CONFERENCE

Seth L. Levine, Counsel for Defendant Gregoire Tournant, respectfully requests this Court's permission to appear via video conference for Mr. Tournant's Initial Appearance on May 17, 2022 at 2 p.m. In support, Mr. Levine states that he practices in New York and was unable to travel to Colorado due to inclement weather conditions in New York.

Counsel has conferred with the Government regarding this request, who indicated that they do not oppose this Motion.

WHEREFORE, Counsel respectfully requests this Court's permission for Mr. Levine to appear via video conference at the May 17, 2022 initial appearance.

Dated: May 17, 2022
New York, New York

Respectfully Submitted,

/s/ Seth L. Levine
Seth L. Levine
LEVINE LEE LLP
5 Columbus Circle
New York, New York 10019
Telephone: (212) 223-4400
slevine@levinelee.com

Counsel for Gregoire Tournant

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TERMED

U.S. District Court - District of Colorado
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00089-NYW All Defendants

Case title: USA v. Tournant

Date Filed: 05/17/2022

Other court case number: 22-cr-276 Southern District of New
York

Date Terminated: 05/17/2022

Assigned to: Magistrate Judge Nina Y.
Wang

Defendant (1)**Gregoire Tournant***TERMINATED: 05/17/2022*represented by **Seth Laurence Levine**

Levine Lee LLP

5 Columbus Circle

11th Floor

New York, NY 10019

212-257-4040

Fax: 212-223-4425

Email: slevine@levinelee.com*ATTORNEY TO BE NOTICED***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Conspiracy to Commit Securities Fraud,
Investment Adviser Fraud and Wire Fraud
(18 USC 371) Securities Fraud (15 USC

Disposition

78j(b) & 78ff; 17 CFR 240.10b-5; 18 USC
 2) Investment Adviser Fraud (15 USC
 80b-6, 80b-17; 18 USC 2) Investment
 Adviser Fraud (15 USC 80b-6(4), 80b-17;
 17 CFR 275.206(4)-8; 18 USC .2)
 Conspiracy to Obstruct Justice (18 USC
 371)

Plaintiff

USA

represented by **Alecia Lynne Riewerts**
 U.S. Attorney's Office-Denver
 District of Colorado
 1801 California Street
 Suite 1600
 Denver, CO 80202
 303-454-0100
 Fax: 303-454-0406
 Email: Alecia.Riewerts@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

Date Filed	#	Docket Text
05/17/2022	<u>1</u>	RULE 5 AFFIDAVIT from the District of Southern New York as to Gregoire Tournant (1). (csarr,) (Entered: 05/17/2022)
05/17/2022	2	Arrest of Gregoire Tournant Initial Appearance - Rule 5 set for 5/17/2022 02:00 PM in Courtroom A 502 before Magistrate Judge Nina Y. Wang. (Text Only entry)(csarr,) (Entered: 05/17/2022)
05/17/2022	<u>3</u>	MOTION for Special Appearance <i>Counsel's Motion to Appear by Video Conference</i> by Gregoire Tournant. (Levine, Seth) (Entered: 05/17/2022)
05/17/2022	<u>4</u>	MINUTE ORDER: The <u>3</u> Motion to Appear Via Video Conference is GRANTED . Mr. Levine may appear at Mr. Tournant's Initial Appearance set for May 17, 2022 at 2:00 PM via videoconference using the attached instructions. By Magistrate Judge Nina Y. Wang on 05/17/2022. Text Only Entry (nywlc2,) (Entered: 05/17/2022)
05/17/2022	5	MINUTE ENTRY for Initial Appearance in Rule 5(c)(3) Proceedings as to Gregoire Tournant held on 5/17/2022 before Magistrate Judge Nina Y. Wang. Defendant present in custody, Defendant waives advisement, Defendant waives right to Identity Hearing, Conditions of bond set, Bond set as to Gregoire Tournant (1) Personal Recognizance with a secured bond to be finalized no later than May 31, 2022, Defendant advised of conditions of bond and remanded for processing and release,, (Total time: 20 minutes, Hearing time: 2:41-3:01) APPEARANCES: Jena Neuscheler on behalf of the Government, John Chanin, Seth Levine on behalf of the defendant, FTR: NYW-FTR. (cpomm,) Text Only Entry (Entered: 05/17/2022)

05/17/2022	<u>6</u>	WAIVER of Rule 5 & 5.1 Hearings by Gregoire Tournant (cpomm,) (Entered: 05/17/2022)
05/17/2022	<u>7</u>	Personal Recognizance Bond Entered as to Gregoire Tournant (cpomm,) (Entered: 05/17/2022)
05/17/2022	<u>8</u>	ORDER Setting Conditions of Release as to Gregoire Tournant by Magistrate Judge Nina Y. Wang on May 17, 2022. (cpomm,) (Entered: 05/17/2022)
05/17/2022	<u>9</u>	ORDER Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail as to Gregoire Tournant by Magistrate Judge Nina Y. Wang on May 17, 2022. (cpomm,) (Entered: 05/18/2022)
05/17/2022	<u>12</u>	Arrest Warrant Returned Executed on 05/17/2022 in case as to Gregoire Tournant. (alave,) (Entered: 05/18/2022)
05/18/2022	11	Notice to Southern District of New York of Rule 5 or 32 or 40 Initial Appearance: Please use PACER court links to access the public docket and documents. If the District of Colorado has a surrendered passport, it is being mailed to your court via USPS certified mail with return receipt. For a bond transmittal, please contact our case administration specialist at [cod.docketing.uscourts.gov] If you wish to designate a different email address for future transfers, please send your request to InterdistrictTransfer_TXND@txnd.uscourts.gov. as to Gregoire Tournant Your case number is:22-cr-276. (Text Only Entry) (cpomm,) (Entered: 05/18/2022)